

1 ELECTRONIC FRONTIER FOUNDATION  
2 CINDY COHN (145997)  
3 cindy@eff.org  
4 LEE TIEN (148216)  
5 tien@eff.org  
6 KURT OPSAHL (191303)  
7 kurt@eff.org  
8 KEVIN S. BANKSTON (217026)  
9 bankston@eff.org  
10 CORYNNE MCSHERRY (221504)  
11 corynne@eff.org  
12 JAMES S. TYRE (083117)  
13 jstyre@eff.org  
14 454 Shotwell Street  
15 San Francisco, CA 94110  
16 Telephone: 415/436-9333  
17 415/436-9993 (fax)  
18  
19 Attorneys for Plaintiffs

20 TRABER & VOORHEES  
21 BERT VOORHEES (137623)  
22 bv@tvlegal.com  
23 THERESA M. TRABER (116305)  
24 tmt@tvlegal.com  
25 128 North Fair Oaks Avenue, Suite 204  
26 Pasadena, CA 91103  
27 Telephone: 626/585-9611  
28 626/ 577-7079 (fax)

## 10 UNITED STATES DISTRICT COURT

## 11 NORTHERN DISTRICT OF CALIFORNIA

12 TASH HEPTING, GREGORY HICKS, ) No. C-06-00672-VRW  
13 CAROLYN JEWEL and ERIK KNUTZEN, on )  
14 Behalf of Themselves and All Others Similarly ) CLASS ACTION  
15 Situated, )  
16 Plaintiffs, ) [CORRECTED] DECLARATION OF  
17 vs. ) DANIEL O'BRIEN IN SUPPORT OF  
18 AT&T CORP., et al. ) PLAINTIFFS' OPPOSITION TO  
19 Defendants. ) DEFENDANT AT&T INC.'S MOTION TO  
20 ) DISMISS AMENDED COMPLAINT  
21 ) DATE: June 23, 2006  
22 ) TIME: 9:30 a.m.  
23 ) COURTROOM: Hon. Vaughn Walker  
24  
25  
26  
27  
28

1 I, Daniel O'Brien, hereby declare:

2 1. I am not a party to this action. I am of legal age, am a resident of California and am a  
3 staff member of the Electronic Frontier Foundation, co-counsel for plaintiffs in this action. I have  
4 personal knowledge of the matters stated in this declaration and if called upon to do so, I could and  
5 would competently testify thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of a web session I completed  
7 online, via a web browser, on May 10, 2006. I was in San Francisco, California when I conducted  
8 this web session. It records a successful attempt to place an order for an SBC phone line, and  
9 international and long distance telephone service.

10 3. My personal information (home address, telephone numbers, social security number,  
11 credit card number, and birth date) have been redacted from the filed version of this Declaration for  
12 privacy reasons. However, I entered my birth date incorrectly on one screen, which caused a page to  
13 be displayed that says, in effect, that I could not set up an account if I was under 18. I corrected the  
14 mistake, then proceeded with the rest of the process.

15 4. Attached hereto as Exhibits B, C and D are true and correct copies (except for  
16 personal information redaction) of the three email messages I received from SBC, confirming my  
17 order.

18 5. I declare that I received no other information or communication from AT&T in the  
19 pursuit of placing this order for an SBC phone line, and international and long distance telephone  
20 service.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is  
22 true and correct. Executed this 5th day of June, 2006, at San Francisco, California.

23  
24  
25  
26  
27  
28



---

DANIEL O'BRIEN

W:\AT&T Privacy\DEC00031333\_O'Brien.DOC

CERTIFICATE OF SERVICE

2 I hereby certify that on June 6, 2006, I electronically filed the foregoing with the Clerk of the  
3 Court using the CM/ECF system which will send notification of such filing to the e-mail addresses  
4 denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the  
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants  
6 indicated on the attached Manual Notice List.

---

## MARIA V. MORRIS

---

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)  
E-mail: [mariam@lerachlaw.com](mailto:mariam@lerachlaw.com)

15 I, Maria V. Morris, am the ECF User whose ID and password are being used to file this  
16 [CORRECTED] DECLARATION OF DANIEL O'BRIEN IN SUPPORT OF PLAINTIFFS'  
17 OPPOSITION TO DEFENDANT AT&T INC.'S MOTION TO DISMISS AMENDED  
18 COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that Daniel O'Brien has  
19 concurred in this filing.

20 | DATED: June 6, 2006

/S/

22 | W:\AT&T Privacy\corrected\DEC00031333\_OBrien.DOC

# Mailing Information for a Case 3:06-cv-00672-VRW

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Timothy L. Alger**  
timalger@quinnemanuel.com albertvillamil@quinnemanuel.com
- **Kevin Stuart Bankston**  
bankston@eff.org
- **Bradford Allan Berenson**  
bberenson@sidley.com vshort@sidley.com
- **James J. Brosnahan**  
jbrosnahan@mofo.com bkeaton@mofo.com
- **Cindy Ann Cohn**  
cindy@eff.org wendy@eff.org;barak@eff.org
- **Anthony Joseph Coppolino**  
tony.coppolino@usdoj.gov
- **Bruce A. Ericson**  
bruce.ericson@pillsburylaw.com
- **Jeff D Friedman**  
JFriedman@lerachlaw.com RebeccaG@lerachlaw.com
- **Barry R. Himmelstein**  
bhimmelstein@lchb.com
- **Eric A. Isaacson**  
erici@lerachlaw.com
- **Reed R. Kathrein**  
reedk@lerachlaw.com e\_file\_sd@lerachlaw.com;e\_file\_sf@lerachlaw.com
- **Michael M. Markman**  
mmarkman@hewm.com
- **Brian Martinez**  
brianmartinez@mofo.com
- **Edward Robert McNicholas**  
emcnicholas@sidley.com vshort@sidley.com
- **Corynne McSherry**  
corynne@eff.org
- **Maria V. Morris**  
mariam@lerachlaw.com e\_file\_sf@lerachlaw.com
- **Karl Olson**  
ko@lrolaw.com amw@lrolaw.com,slighthill@gmail.com

- **Kurt Opsahl**  
kurt@eff.org
- **Renee Sharon Orleans**  
renee.orleans@usdoj.gov
- **Shana Eve Scarlett**  
shanas@lerachlaw.com e\_file\_sd@lerachlaw.com;e\_file\_sf@lerachlaw.com
- **Jacob R. Sorensen**  
jake.sorensen@pillsburylaw.com
- **Andrew H Tannenbaum**  
andrew.tannenbaum@usdoj.gov
- **Tze Lee Tien**  
tien@eff.org aram@eff.org
- **Theresa M. Traber, Esq**  
tmt@tvlegal.com
- **James Samuel Tyre**  
jstyre@jstyre.com jstyre@eff.org
- **Marc Van Der Hout**  
ndca@vblaw.com
- **Bert Voorhees**  
bv@tvlegal.com
- **Richard Roy Wiebe**  
wiebe@pacbell.net

## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**David W. Carpenter**  
Sidley Austin Brown & Wood LLP  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60600

**David L. Lawson**  
Sidley Austin Brown & Wood  
172 Eye Street, N.W.  
Washington, DC 20006